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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RAPHAEL JACKSON,  
Petitioner,


MOTION REQUESTING  
STAY OF PROCEEDING

-against-

MICHAEL CAPRA, Superintendent,  
Respondent.  
-----X

22 Civ. 3357 (LGS)(SN)  
By August 3, 2022, the Respondent shall file a  
response, including whether it consents to  
the stay. So Ordered.

Dated: August 1, 2022  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

PLEASE TAKE NOTICE that I, Raphael Jackson, is the  
Petitioner in the above captioned proceeding. In pursuant to  
the Local Rules of this Court I am respectfully submitting  
this Motion Requesting for the proceedings before the Court be  
Held in Abeyance so that Petitioner may have the opportunity  
to fully litigate claim(s) of ineffective assistance of Trial  
Counsel in New York State Supreme Court. Such claim(s) are  
unexhausted in state court where remedy is still available to  
Petitioner.

Petitioner submitted this petition under 28 U.S.C. §2254  
dated April 12, 2022, where Petitioner affirms the filing of  
other "... motions concerning this judgment of conviction in  
any state court...", specifically C.P.L. §440.10 dated  
February 7, 2022. This C.P.L. §440.10 Motion is still pending  
in state court. A response by the People and reply to the  
response has all been file before the court.

Petitioner requests the proceeding to be held in abeyance until the pending motion is resolved completely, and should an unfavorable outcome result from the motion, Petitioner be allowed to amend the original petition that is before the court.

Petitioner would like to point out the fact of no answer as of yet has been filed by the Respondent, and not other request regarding this matter has been requested.

Petitioner respectfully requests for the Court to Grant this request so that all claim(s) exhausted in state court can be before this Court at the same time. Petitioner prays for the relief requested and any other further relief the Court may deem just and proper.

Respectfully Requested,



RAPHAEL JACKSON, #17-A-0264 Pro Se  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, New York 10562

CC: FILE / RJ  
DATED: JULY 11, 2022  
WESTCHESTER, NEW YORK



13 Ossining, New York 10562

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